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10 UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12 OAKLAND DIVISION

13 ASSOCIATION OF IRRITATED  
14 RESIDENTS, an unincorporated association,

15 Plaintiff,

16 v.

17 UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, LISA P.  
18 JACKSON, in her official capacity as  
Administrator of the United States  
19 Environmental Protection Agency, and  
WAYNE NASTRI, in his official capacity as  
20 Regional Administrator for Region IX of the  
United States Environmental Protection  
21 Agency, <sup>1/</sup>

22 Defendants.  
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Case No. 08-cv-05650 CW

**STIPULATION TO CONTINUE  
ANSWER DEADLINE**

**AND**

**ORDER THEREON**

26 <sup>1/</sup> Stephen L. Johnson was previously named as the lead defendant in this case in his  
27 official capacity as Administrator of the United States Environmental Protection Agency.  
Pursuant to Fed. R. Civ. P. 25(d), his successor, Lisa P. Jackson, is automatically substituted.  
28 Defendant Wayne Nastri no longer holds the position of Regional Administrator for Region IX  
of the United States Environmental Protection Agency; his successor, however, has not yet been  
chosen, and he therefore remains a named defendant in this action.

1 WHEREAS, on December 18, 2008, Plaintiff Association of Irrigated Residents filed the  
 2 above-captioned matter against the United States Environmental Protection Agency ("EPA"),  
 3 alleging that EPA has failed to undertake certain nondiscretionary duties under the Clean Air Act  
 4 ("CAA"), 42 U.S.C. §§ 7401-7671q, and that such alleged failures are actionable under section  
 5 304(a)(2) of the CAA, 42 U.S.C. § 7604(a)(2);

6 WHEREAS, on February 17, 2009, the Court granted the parties' stipulation to continue  
 7 EPA's time for responding to Plaintiff's Complaint until May 18, 2009;

8 WHEREAS, Plaintiff and EPA have reached a tentative settlement, the agreement for  
 9 which must first be approved by authorized officials at the U.S. Department of Justice and EPA,  
 10 a process that can take several weeks;

11 WHEREAS, EPA staff has recommended approval of the tentative settlement to  
 12 authorized officials, but has not yet received approval;

13 WHEREAS, Plaintiff and EPA intend for the agreement to be entered through a Consent  
 14 Decree, thereby precluding the need for the filing of an Answer;

15 WHEREAS, Plaintiff and EPA believe that the requested continuance below will not  
 16 adversely affect the schedule or resolution of this case;

17 NOW THEREFORE, pursuant to Local Rules 6-2 and 7-12, the parties, by and through  
 18 their undersigned counsel, hereby stipulate that EPA's time for responding to Plaintiff's  
 19 Complaint, currently set for May 18, 2009, is continued two weeks until June 1, 2009.

20 **COUNSEL FOR PLAINTIFF:**

21 Dated: May 12, 2009

22 /s/ Brent Newell (with permission)  
 23 BRENT NEWELL  
 24 MARYBELLE NZEGWU  
 25 Center On Race, Poverty & the Environment  
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*Counsel for Plaintiff Association of Irrigated  
 Residents*

**COUNSEL FOR DEFENDANTS:**

Dated: May 12, 2009

JOHN C. CRUDEN  
 Acting Assistant Attorney General  
 Environment & Natural Resources Division

CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

5/14/09  
Dated: \_\_\_\_\_

CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

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